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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,184	01/28/2004	Ashok B. Nayak	036263-050	9838

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EXAMINER

KLIMOWICZ, WILLIAM JOSEPH

ART UNIT PAPER NUMBER

2627

DATE MAILED: 06/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/765,184

Applicant(s)

NAYAK ET AL.

Examiner

William J. Klimowicz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,11-13 and 15-20 is/are rejected.
- 7) ☒ Claim(s) 3-10 and 14 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

35 USC § 112 Sixth Paragraph

This application contains a claim (e.g., claim 1) apparently invoking 35 U.S. C. 112 sixth paragraph (i.e., means-plus-function). In order to satisfy 35 U.S.C 112 second paragraph, the written description must link or associate particular structure, material or acts to the function recited in the means-(or step-) plus-function claim limitation. 37 CFR 1.75(d)(1) provides, in part, that “the terms and phrases used in the claims must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description.” In the situation in which the written description only implicitly or inherently sets forth the structure, material or acts corresponding to a means-(or step-) plus-function, and the Examiner concludes that one skilled in the art would recognize what structure, materials, or acts perform the function recited in a means-(or step-) plus-function, the Applicant should clarify the record by amending the written description such that it expressly recites what structure, material or acts perform the function recited in the claim element. (See Federal Register/ Vol. 65, No. 120/ Wednesday, June 21, 2000/ Notices/ pp.38510-38516 “Supplemental Examination Guidelines for Determining the Applicability of 35 U.S.C. 112, paragraph 6”).

More concretely, if Applicant wishes to have the claims considered under 35 USC § 112, sixth paragraph, the Applicant must:

- (i) Show why the claim language properly invokes 35 USC § 112, sixth paragraph (e.g., by showing that the claim term fails to be modified by sufficient structure for performing the claimed function);

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(ii) Identify the function for each invocation of 35 USC § 112, sixth paragraph;

(iii) Identify the corresponding structure for each invocation of 35 USC § 112, sixth paragraph;

Additionally, as set forth, *supra*, the Applicant should clarify the record by amending the written description such that it expressly recites what structure, material or acts perform the function recited in the claim terms and phrases, provided no new matter is introduced. See 37 CFR 1.75(d) and MPEP § 2181.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 15-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 15, the phrase “further comprising a voice coil motor holder and a voice coil motor held by the voice coil motor...” is vague and ambiguous. More concretely, it is unclear as to how the voice coil motor can be held by itself.

Additionally, since claims 16-20 also depend directly or indirectly from claim 15, they too are thus rejected under the second paragraph of 35 U.S.C. § 112.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Nayak et al. (US 5,371,636).

As per claim 1, Nayak et al. (US 5,371,636) discloses an assembly for a tape drive, comprising: a magnetic read/write head (15); and means (coarse positioner including (19) and fine positioner of a voice coil motor including (47)) for positioning the head (15).

Additionally, as per claim 11, the voice coil holder (including flexure (39) is removeably coupled to the head carriage assembly (120) - see FIG. 3.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nayak et al. (US 5,371,636).

See the description of Nayak et al. (US 5,371,636), *supra*.

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Additionally, as per claim 13, Nayak et al. (US 5,371,636) further discloses the coarse positioner base assembly (base frame) and the two shafts (19, 31) mounted on the coarse positioner base assembly (see FIG. 1); the coarse positioner base (27) slideably mounted on the two shafts (19, 31) with a force bias applied on the coarse positioner base (27) against one of the two shafts (shaft 31, via spring (26)).

As per claim 2, Nayak et al. (US 5,371,636) discloses a head actuator assembly for a tape drive, comprising: a coarse positioner base assembly (drive base as seen in FIGS. 1 and 2 upon which the components are mounted); first (19) and second (31) shafts vertically mounted at first ends on the coarse positioner base assembly; and a coarse positioner base (27, 29) configured to carry a head carriage assembly (including (36)) and voice coil holder (39, 87), the coarse positioner base (27, 29) having at least first (18) and second (passage hole in which shaft (31) is inserted), the coarse positioner base (27) being vertically movably mounted on the first (19) and second (31) shafts such that the first and second shafts respectively extend through the first and second bores (e.g., as seen in FIGS. 1, 2 and 4).

As per claim 2, although Nayak et al. (US 5,371,636) does not explicitly disclose providing at least first and second bushings respectively in the first and second bores, Official notice is taken that such shaft/threaded engaging bushings are notoriously old and well known and ubiquitous in the art; such Officially noticed fact being capable of instant and unquestionable demonstration as being well-known.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the first and second bores of Nayak et al. (US 5,371,636) as including conventional and ubiquitous bushings, as is well known in the art.

The rationale is as follows: one of ordinary skill in the art would have been motivated to have provided the first and second bores of Nayak et al. (US 5,371,636) as including conventional and ubiquitous bushings, as is well known in the art in order to reduce the friction of the sliding and/or engaging elements which move relative to each other, as is well known, established and appreciated in the art.

As per claim 12, although Nayak et al. (US 5,371,636) does not expressly disclose wherein the head carriage assembly (36) comprises a plastic head carriage, and the voice coil holder (including (39)) is metallic, Official notice is taken that such head carriages being formed of a plastic material, with a voice coil holder (flexure (39)) being formed of a metal are notoriously old and well known and ubiquitous in the art; such Officially noticed fact being capable of instant and unquestionable demonstration as being well-known.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the head carriage assembly (36) of Nayak et al. (US 5,371,636) as comprising a plastic head carriage, and the voice coil holder (39), functioning as a flexure, as being metallic.

The rationale is as follows: one of ordinary skill in the art would have been motivated to have provided the head carriage assembly (36) of Nayak et al. (US 5,371,636) as comprising a plastic head carriage, and the voice coil holder (39), functioning as a flexure, as being metallic in order to provide a readily available, inexpensive, and easily moldable plastic material for the head carriage, and also providing a resilient and flexible leaf spring formed of a high tensile strength steel-metal material as the flexure/VC holder of Nayak et al. (US 5,371,636).

Allowable Subject Matter

Claims 3-10, 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 15-20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

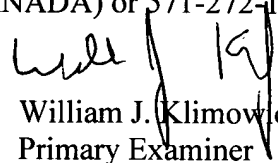
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Klimowicz whose telephone number is (571) 272-7577. The examiner can normally be reached on Monday-Thursday (6:30AM-5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Thi Nguyen can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


William J. Klimowicz
Primary Examiner
Art Unit 2627

WJK